

**K&L GATES LLP**  
10100 Santa Monica Boulevard  
Seventh Floor  
Los Angeles, California 90067  
Telephone: 310.552.5000  
Facsimile: 310.552.5001

Seth A. Gold (SBN 163220)  
seth.gold@klgates.com  
Christina N. Goodrich (SBN 261722)  
christina.goodrich@klgates.com

## Attorneys for Gerard Caiafa and Cyclopin Music, Inc.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

GLENN DANZIG

**Plaintiff,**

vs.

GERALD CAIAFA; CYCLOPIAN  
MUSIC, INC., *et al.*

### Defendants.

Case No. CV14-2540

REDACTED

**DECLARATION OF GERARD  
CAIAFA IN SUPPORT OF MOTION  
TO DISMISS FOR LACK OF  
PERSONAL JURISDICTION**

Date: July 28, 2014  
Time: 9:00 a.m.  
Courtroom: 850

[Assigned to Honorable R. Gary Klausner]

1 I, Gerard Caiafa, hereby declare:

2 1. I am over eighteen (18) years of age, have personal knowledge of the  
3 matters set forth herein and am competent to testify hereto.

4 2. I am the President of Cyclopians Music, Inc. (“Cyclopians”) and in that  
5 capacity I ultimately supervise all of Cyclopians activities.

6 3. I am also a current member of the MISFITS musical group, performing  
7 under the stage name “Jerry Only.” Along with Glenn Danzig, I founded the MISFITS  
8 in or around 1977. I am the only person to perform in the MISFITS from the group’s  
9 inception through the present.

10 4. Since 1994, I, through Cyclopians, have exclusively controlled the  
11 MISFITS as an active musical group.

12 5. I founded Cyclopians to conduct the business activities of the MISFITS.  
13 Cyclopians is a New Jersey corporation with its principal place of business in New  
14 Jersey.

15 6. I live and reside in the State of New Jersey.

16 7. I have never owned any real estate in California, nor have I ever leased  
17 any property in California.

18 8. Cyclopians has never owned any real estate in California, nor has it ever  
19 leased any property in California.

20 9. I have never paid any income tax to the state of California.

21 10. Cyclopians has never paid any income tax to the state of California.

22 11. I have never had a bank account in California.

23 12. Cyclopians has never had a bank account in California.

24 13. I have never maintained an office in California nor have I ever designated  
25 an agent for service of process in California.

26 14. Cyclopians has never maintained an office in California nor has it ever  
27 designated an agent for service of process in California.

1       15. I have never maintained a driver's license or professional license in  
2 California.

3       16. Cyclopiant does not have an office or any employees in California and is  
4 not registered to do business in California.

5       17. I do not regularly transact business in California.

6       18. Cyclopiant does not regularly transact business in California.

7       19. Over the past three years, the MISFITS have performed in California  
8 seven times in 2012 and five times 2013, and are scheduled to perform in California  
9 five times in November 2014. These 17 live concert performances are a negligible  
10 percentage of the hundreds of concerts that the MISFITS have played over this period.  
11 Regardless, the claims in this lawsuit do not arise out of any of those concerts in  
12 California.

13       20. Cyclopiant's corporate records and business documents largely are located  
14 in New Jersey.

15       21. Cyclopiant does not have any practice, policy, strategy, or goal to uniquely  
16 target California residents for the marketing, promotion, or sale of any consumer  
17 products, including MISFITS merchandise or music.

18       22. [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 [REDACTED]

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2 25.  
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7 I declare under penalty of perjury that the foregoing is true and correct.  
8  
9 Executed this 18th day of June, 2014 in Vernon, New Jersey.

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11 Gerard Caiafa  
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